

City of Roswell Planning & Zoning Commission Agenda



Tuesday, March 28, 2017 at 6:00 PM
Bassett Auditorium, Roswell Museum and Art Center
100 West 11th Street

Chair: Ralph Brown, Vice Chair: Riley Armstrong
Members: Toby Gross, Shirley Childress, David Storey,
Kent Taylor, Jesse McDaniel
Current Planning Administrator: Merideth Hildreth, AICP
Planning & Zoning Technician: Miguel Martinez
Planning Manager: William Morris, AICP, CZO
Planning & Engineering Director, Louis Najjar, P.E.

- A. Call to Order
- B. Roll-Call
- C. Swearing In
- D. Approval of the Agenda
- E. Approval of the February 28, 2017 Minutes
- F. Public Hearing Items

CASE 17-005 VAR: A Request for Side Yard, Rear Yard, Rear Yard Coverage, and Height Variances for Conversion of Existing Structure into the Primary Residence taking into Consideration Future Additions and/or Porches; Legal Description: Subd: ALLISON REDIV Block: 2 Lot: 9 Quarter: SW S: 29 T: 10S R: 24E BK: 649 PG: 379 WDJT (Owner: Julio Mojica and Yanet Mojica) **EXHIBITS:** (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

CASE 17-006 ZOC: A Request for Change in Zoning from R-3 to C-4 for Properties in the 100 Block of N Missouri Ave; Legal Description: Subd: WEST SIDE Block 18: Lots 8 AND: -Lot: 9 (Montgomery/Owner) Lot: 10 (Myall & Beverage/Owners) Lot: 11 (Taylor Investments/Owner) S: 5 T: 11S R: 24E **EXHIBITS:** (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Proposed Zoning Ordinance Text Amendments:

Text Amendment for Multi-Generational Housing

Text Amendment for Lighting Standards.

- G. Other Business
- H. Public Comments
- I. Adjourn

Notice of this meeting has been given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 16-69.

NOTICE OF POTENTIAL QUORUM – A quorum of the City Council may or may not attend, but there will not be debate by the City Council. The Council, acting as attendees to an informational presentation, will not be discussing public business and no action will be taken.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Printed and posted: March 23, 2017



DRAFT FOR APPROVAL **P&Z MEETING MINUTES**

Tuesday, February 28, 2017 - 6:00 PM

Roswell Planning & Zoning Commission

Bassett Auditorium, Roswell Museum and Art Center

100 West 11th Street

Chair: Ralph Brown, Vice Chair: Riley Armstrong

Members: Shirley Childress, Toby Gross, David Storey,
Kent Taylor, Jessie McDaniel

Planning Staff: Merideth Hildreth, AICP

Miguel Martinez

William Morris, AICP, CZO

Louis Najjar, PE

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4, NMSA 1978 and City of Roswell, NM Resolution 16-69.

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Brown with the following members present:

B. ROLL-CALL

Ralph Brown (Chair)	PRESENT
Riley Armstrong (Vice Chair)	PRESENT
Toby Gross	PRESENT
Shirley Childress	PRESENT
David Storey	PRESENT
Kent Taylor	PRESENT
Jesse McDaniel	PRESENT

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator; Miguel Martinez, Planning & Zoning Technician; William Morris, AICP, CZO, Planning Manager; Louis Najjar, P.E., Director of Planning & Engineering & Interim City Manager

Audience Members Present who Signed In:

Larry Fresquez, J.H. Rhea, Rick Rapp, Larry Connolly

C. APPROVAL OF THE AGENDA

**MOTION to Approve the Agenda as Written by Commissioner Gross.
Second by Commissioner Childress.
The motion passed by a voice vote of seven to zero.**

D. SWEARING IN: Chair Brown swore in staff and members of the audience.

E. MINUTES: Consider approval of the January 24, 2017 minutes.

**MOTION to Approve the January 24, 2017 Minutes as Written by
Commissioner Armstrong.
Second by Commissioner Childress.
The motion passed by a voice vote of seven to zero.**

F. ACTION ITEMS (PUBLIC HEARING ITEMS):

1. CASE 17-004 (ZOC): A Request for Zone Change from R-1 & R-2 to C-2

LEGAL DESCRIPTION: Subd: POCONO PLACE UNIT ONE Tract: A, LESS THAT PT DEEDED TO THE CITY OF ROSWELL FOR RIGHT-OF-WAY PER WD BK 675 PG 907 (1.813 AC) S: 25 T: 10S R: 23E BK: 331 PG: 721 SWD (the northernmost portion of the tract 15.25 acres abutting the City Boundary Line on the north and west and Sycamore Avenue on the east.) Attached: (A) Application; (B) Staff Summary; (C) Letter Notifying Surrounding Property Owners; (D) Chaves County Assessor's Map Identifying Properties with the Notification Area; (E) List of Property Owners Notified

Commissioner Armstrong recused himself from Case 17-004.

**Motion to Waive the Reading of the Land Use and Zoning Considerations and Finding of Facts with Respect to Case 17-004 by Commissioner Storey.
Second by Commissioner Childress
The motion passed by a voice vote of six to zero.**

Chair Brown: Is there anyone wishing to speak in favor of 17-004?

Larry Fresquez - Residing at 606 North Kentucky Avenue: Requested rezoning of approximately fifteen (15) acres adjacent to Gateway Church and School on North Sycamore. The fifteen (15) acres is currently owned by Featherstone Farms. Mr. Fresquez requested rezoning to C-2 to develop a self-storage facility as an accommodating business to the adjacent properties and the west side of Roswell. A multi-family complex with over 200 apartments is being developed on North Sycamore. This low traffic business would provide a buffer between the church and development to the south.

Chair Brown: Is there anyone wishing to speak against 17-004?

Rick Rapp – Residing at 2601 North Washington Avenue: Pastor and Superintendent of Gateway Christian School. Expressed concerns of rezoning the property to commercial. He did not have an issue with the storage units. His concern with the rezoning to commercial is that commercial zoning allows convenience and liquor stores.

J.H. Rhea - Residing at 181 Mark Road: Speaking also on behalf of Gateway Church and School. Concerned if the property changed hands, other uses could be developed, some of which might not be advantageous to the church or school. Church has been in the area for nearly forty years. Our neighbor to the north is Christ Church that has been there nearly the same length of time. Residential zones on the north and south have made for a quiet neighborhood. Commercial zoning with undetermined use in the future has the potential to destroy the harmony of the neighborhood and integrity of church and school locations. Mr. Rhea respectfully requested denial of the request since the property owner also owns land south toward the apartments.

Mr. Morris – Sycamore is an arterial road, a major road, and is intended to carry lots of traffic, especially in the future as it develops. The area is undergoing changes. This property is approximately half-way between the developing commercial node at College (Boulevard), where the fire station is, and Country Club (Road) which has ten acres zoned Commercial at the corner with Sycamore. This request is only for rezoning. There is another complete state and city process to request a liquor license. With respect to the intensity of commercial, most storage facilities are calm and would be a good transitional use. It is true we can't guarantee what will happen after zoning.

This area is designated Mixed Use on the future land use map. We are doing (master) planning on the other side of Sycamore in the area of the Old Municipal Airport. In the foreseeable future, (uses) will start to change. Overall, staff thinks (this rezoning) is compatible with the area, compatible with the future land use map the City adopted as part of the Comprehensive Plan. We think that site planning will take care of issues such as lighting, noise, and other issue. Staff stands by the recommendation for approval.

Chair Brown: Asked about the zoning for the church.

Mr. Morris: The church is in the county, and is zoned equivalent to Rural Suburban. (Currently) there is no Right-of-Way to extend Nineteenth Street west of Sycamore. One of the conditions Staff will be looking for from the developer of this site is dedication of a sixty foot Right-of-Way to extend Nineteenth Street.

Chair Brown: Asked if there a state law that there has to be so many feet from a church or a school for a liquor license.

Mr. Najar: Answered, the state law is three-hundred (300) feet. Any time we review a liquor license in town, we have to provide to (City) Council and the State Liquor Board a map of nearest schools and churches within three-hundred (300) feet property to property of the applicant for the liquor license.

Mr. Rhea: We are aware of the three-hundred feet, and that would be closer to our school and church than we would desire.

Mr. Frequez: Stated he wouldn't buy this property if unable to build self-storage units. Developing storage units (with his plan) would leave about eighty feet that could possibly be developed on the south end of this lot's fifteen acres. The rest of the eighty to one-hundred acre tract owned by Featherstone Farms is not up for rezoning at this time. Mr. Frequez stated he has no desire to build a liquor establishment. The Master Plan, paid for by the City of Roswell, shows this area here in pink (on the map) as a multi-use area. (The storage unit development) would serve as a buffer between churches with large parking lots and large lighting areas and a residential neighborhood.

Commissioner Taylor: Had a question for Staff and recommended a compromise to rezone the property C-1 (Neighborhood Commercial).

Ms. Hildreth: To clarify, storage units are allowed in C-1 with a Special Use Permit and in C-2 as a Use by Right. C-1 allows automobile service stations with a Special Use Permit. Drug stores and food stores are allowed as a Use by Right in C-1.

Mr. Morris: C-1 is for limited neighborhood type uses. Alcohol sales is a separate process. Alcohol sales can happen in C-1, C-2, C-3, and C-4. With respect to future planning efforts and road classification, this area is intended to be more active.

Commissioner Storey: Posed a question about the (60) foot right-of-way.

Mr. Najar: To answer Commissioner Storey's question about the sixty (60) foot right-of-way, it would be an extension of Nineteenth Street, and that section of roadway would not be developed until development requires access from that section of Nineteenth Street. Mr. Najar stated that he respects the Churches that built in what was at that time the outskirts. Looking at the big picture, the City is expecting growth, wanting growth, and planning for growth in this area. The City has already extended the water and sewer lines from College to their property. Right before their property, the City already extended stub outs to the west for future development of water and sewer. As a Minor Arterial from Second Street to

Country Club Road, Single Family curb cuts can no longer be built along Sycamore which means development must be Commercial or R-3 or R-4 high density residential. Hopefully, Country Club will become a four-lane road from Sycamore to Main Street, and all that will be mixed use.

Commissioner Storey: Mentioned that commercial development (on the fifteen acre tract) would have to build a six-foot tall screen fence on the north side of the property, between the commercial development and the church, on the south side of the right-of-way (Nineteenth Street Extension).

Mr. Najar: Mr. Najar varified that the fence would have to be built on the commercial development's property.

Chair Brown: Appeals to what we vote on tonight are due in writing to the City Clerk by noon on Thursday.

MOTION – 17-004 ZOC

Commissioner Gross made a motion to approve Case 17-004 based on the testimony given here this evening and the finding of facts.

Second by Commissioner Childress.

The motion passed by a voice vote of six to zero.

(Commissioner Armstrong did not vote on this motion having previously recused himself.)

G. OTHER BUSINESS:

1. Text Amendment: Multi Generational Housing

Mr. Morris: There are two discussion items on issues we talked about before that we are lining up for text amendments. The first one is multi-generational housing for independent living for a relative(s). The difference is the stove in the kitchen makes it a residential unit. We are looking at units four-hundred (400) square feet in size that are built to standards of the International (Building) Code and the Zoning Code. State Statutes require provision for these types of units. We are talking about a small house on the same lot (with a primary residence) to allow for independent living for members of the same family. The question is what happens to the fully functional unit in the back yard when the relative is no longer residing on the property. The County handles it by initial approval through the Commission, then the applicant must visit the County every three (3) years for Staff administrative review, determination if the use is still needed, and approval by Staff if the use is still needed. In our text, we put in review every five (5) years demonstrating compliance. We need a review process to prevent these units from becoming multi-family lots when a property is sold.

2. Text Amendment: Lighting Standards

Mr. Morris: LED parking lot lighting is incredibly bright. We've had situations where parking lot lighting that was angled for more coverage by standard lighting have been replaced with LED fixtures. LED lighting is measured in Kelvins. AMA medical studies are being done on the luminosity of LEDs. The blue range is very intense, is analogous to daylight, and can reset sleep patterns and impact wildlife. The heads of these lamps need to be angled at a 90 degree angle and the lamps must not exceed 4,000 K which keeps lighting in the white range. We need to regulate reasonable height of poles and prevent (light spill) onto residential properties.

Commissioner Taylor: Mentioned that anything other than ninety degrees is in violation of the Night Skies Act.

Commissioner Gross: Mentioned he has recent knowledge of LED and parking lot lighting and would like to participate in share what he has learned.

3. Updates:

1904 W Second Street

Mr. Morris: This is a property that Game and Fish is leasing. The question posed to the City Attorney was if Game and Fish, a state agency, is required to have a City Business License. His answer at this time was "No." The property owner would have to register his office, wherever that office is.

H. PUBLIC COMMENTS

I. ADJOURN

The meeting adjourned at 6:48 p.m.

EXHIBIT A: 17-005 VAR APPLICATION

City of Roswell Application for
A Variance

P & Z CASE NO.

17-005

DATE:

3.28.2017

Located in Historic

District:

Yes ☒ No

Flood Zone:

Type or Print in BLACK or BLUE ink only:

1. Julio Mojica
Property Owner's NameAddress 2407 Portales Rd
City/State/Zip ROSWELL NM
Phone # 575-910-29002. Yanet Mojica
Property Owner's NameAddress _____
City/ State/Zip same
Phone # _____

Agent's Name

Address _____
City/ State/Zip _____
Phone # _____

Current Zoning District: (Circle Appropriate District)

R-1 ☒ R-2 R-3 R-4 RMS HMC RVP

C-1 C-2 C-3 C-4

I-1 I-2

Physical Address and Legal Description of Proposed Property Area: (Lot/Block/Subdivision, Tract,
Section-Township/Range)1806 N Kansas AvenueALLISON REEDIVISION Block: 2 Lot: 9

Reason for the Request: (Please attach extra sheet if necessary)

Conversion of Existing Accessory Structure
into Primary Residence.
Requests for Side Yard & Rear Yard Setback
Variances, Height Variance, Rear Yard Coverage over
40% of Rear Yard Setback, Consideration of Future
Additions + OR Porches in setbacks.

Proposed Variance Area:

Structure or Addition in Square Feet

23'4" x 31'2" = 726± Sq. Ft.How many feet does the structure encroach into the
required setback area? _____ Ft.

What is the required Setback? _____ Ft.

_____ Yard OR Structure to Structure

Quadrant of the City:

NW NE
SW SE

SHADED AREA FOR

STAFF ONLY

COMPREHENSIVE MASTER PLAN GENERAL DEVELOPMENT PLAN

☒ Residential ☐ Commercial ☐ Industrial ☐ Public
☐ Park & Open Space ☐ RS Overflight Area

DENSITY RESIDENTIAL:

☐ Low/ approx. 5 du/net acre ☐ Mid/ approx. 9 du/net acre
☐ High/ approx. 15 du/net acreSpecifications are listed on the Instructional Sheet. All
documentation and fees shall be required at the time this
application is submitted, unless otherwise noted by Planning and
Zoning Staff.

Application Fees are NON-REFUNDABLE.

By signing this document, I acknowledge that I have been informed of the dates, times, and locations of the meetings
for the Planning and Zoning Commission and City Council and that I and/or my agent shall attend the meetings in
order to fulfill the requirements of this application.Julio C. Mojica

1. Property Owner's Signature

Yanet Mojica

2. Property Owner's Signature

Agent's Signature

V
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EXHIBIT B: STAFF SUMMARY FOR CASE 17-005 (ZOC)

1806 N Kansas Avenue

(Page 1 of 5)



Roswell Planning & Zoning Commission

Tuesday, March 28, 2017

Bassett Auditorium, Roswell Museum and Art Center

100 West 11th Street

APPLICATION: CASE 17-005 (VAR)

A Request for Variances to Yard Setbacks and Height

Legal Description: Subd: ALLISON REDIV Block: 2 Lot: 9 Quarter: SW S: 29 T: 10S R: 24E BK: 649 PG: 379 WDJT (Owner: Julio Mojica and Yanet Mojica.

Owner: Julio Mojica and Yanet Mojica

PROPERTY: 1806 N Kansas Avenue

Request: A Request for Side Yard, Rear Yard, Rear Yard Setback Coverage, and Height Variances for Conversion of Existing Structure into the Primary Residence taking into Consideration Future Additions and/or Porches

II. Site data:

Site Area: Approximately 6500 Square Feet

UPC: 4135060163312000000

Existing Land Use: Residential Lot with 768 Square Foot Garage in Rear Yard, Residential Structure was demolished.

Proposed Land Use: Residential

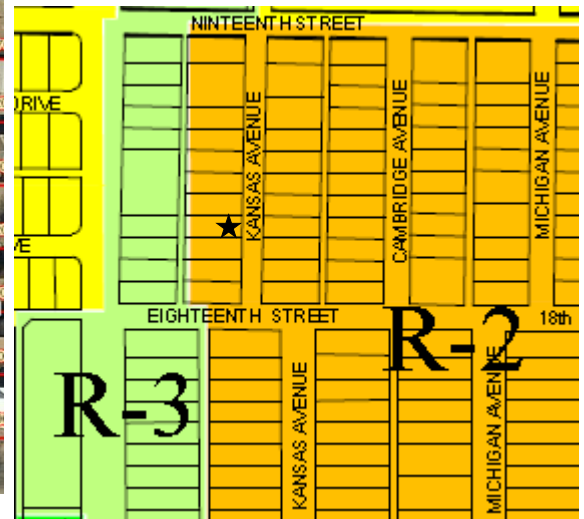
Existing Zoning: R-2

Table 1: Adjacent Existing Land Use and Zoning		
Direction:	Land Use:	Zoning:
North	Single Family Residential	R-2
South	Single Family Residential	R-2
East	Single Family Residential	R-2
West	Single Family Residential	R-3

EXHIBIT B: STAFF SUMMARY FOR CASE 17-005 (VAR)
★1806 N Kansas Avenue
 (Page 2 of 5)



Chaves County Assessor's Map
CASE 17-005 (VAR)



Zoning Map – CASE 17-005 (VAR) ★



GOOGLE EARTH PRO AERIAL of 1806 N Kansas Avenue ★
 (Accessed 3.20.2017)

EXHIBIT B: STAFF SUMMARY FOR CASE 17-005 (VAR)
1806 N Kansas Avenue
(Page 3 of 5)

III. Intent of Petition:

This request is for the following variances in order to convert an existing 768 square foot rear yard accessory structure into the primary single family dwelling unit on the lot:

Side Yard from north property line variance of up to four feet.

(The northern wall of the structure was constructed approximately eighteen (18) inches from what appears to be the northern property line. Primary residential structures are required to be placed a minimum of five feet (5') from side yard property lines from the wall to the property line.)

Rear Yard from west property line variance of eighteen feet (18').

(The west or rear wall of the structure was constructed approximately two to three feet (2' to 3') from what appears to be the western property line parallel to the alley.

Rear Yard Setback Coverage.

The rear yard of this fifty foot by one-hundred thirty foot (50'X130') lot is one thousand (1,000) square feet in area. The City's Zoning Ordinance allows up to forty percent (40%) coverage of the rear yard setback. The existing 768 square foot structure covers at most 456 square feet of the rear yard, or forty-six percent (46%). A variance to the percentage of rear yard coverage would make this a legal non-conforming use. The request for this variance would pertain to any future addition or porch on the south side of the structure of up to two hundred square feet in the rear yard setback for up to 656 square feet or sixty-six percent (66%) coverage.

Height

The height of this accessory structure is approximately fourteen feet (14') at the peak. This structure was built before the Zoning Code was amended to provide additional setbacks for accessory structures over twelve feet (12') in height.

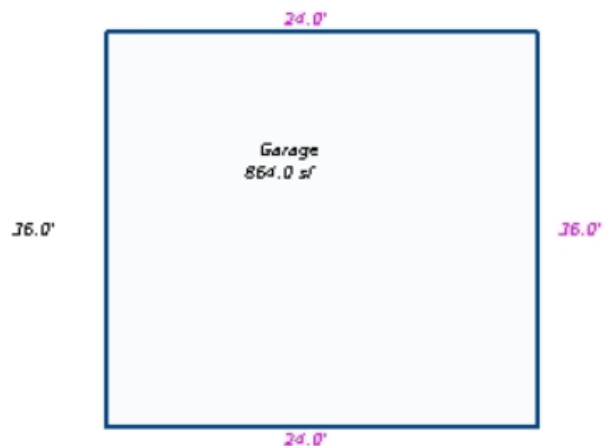


EXHIBIT B: STAFF SUMMARY FOR CASE 17-005 (VAR)
1806 N Kansas Avenue
(Page 4 of 5)

IV. Land Use and Zoning Considerations:

1. The lot was created with the Allison Redivision which was filed on August 7, 1940.
2. This lot is zoned R-2.
3. There is no record or memory of a house having been established on the property or demolished on the property within the past fifteen (15) years.
4. From a Google Earth Street View image recorded in March 2013, it appears the accessory structure is a one car garage with a possible living quarters as indicated by the structure's front window and the mail box by the street.
5. The applicant started paying for water and sewer service in 2013. Water service to the property was established in 1970 when a yard meter was installed.
6. The applicant has applied for a building permit to remodel the structure into a residential dwelling and cannot proceed until the non-conforming use is made legal through variances. The plans as submitted show the conversion of the accessory structure into a two-bedroom, one bath, kitchen/living area structure.

V. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.
2. Notification of the public hearing was mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.
3. This agenda which includes this case has been posted at City Hall and on the City of Roswell's website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. The residential use is compatible with surrounding land uses and the 2016 Comprehensive Land Use Master Plan
5. As of the time of this writing, there have been zero (0) written and one (1) verbal protest received by the Planning & Zoning Office. The verbal protest was a concern that the unit is being rented.

EXHIBIT B: STAFF SUMMARY FOR CASE 17-005 (VAR)
1806 N Kansas Avenue
(Page 5 of 5)

VI. Staff Recommendation:

Based on the findings of fact, the nature of the proposed land use consideration, the surrounding land uses and zoning districts, Staff recommends approval of Zoning Case 17-005 to provide variances to the rear yard setback, a variance to allow up to sixty-six percent rear yard coverage, north side yard setback variance, and a height variance for setback purposes for the conversion of the accessory structure into the primary residential structure on the property.

VII. Action by the Planning & Zoning Commission:

The Planning and Zoning Commission shall make a motion to approve or deny this application based on these Findings of Fact and testimony and material introduced at the hearing.

EXHIBIT C: LETTER NOTIFYING SURROUNDING PROPERTY OWNERS FOR CASE 17-005 (VAR)
LETTER SENT VIA CERTIFIED MAIL ON MARCH 14, 2017 TO SURROUNDING PROPERTY OWNERS

City of Roswell
Planning & Engineering Department
Planning & Zoning Office
PO Box 1838
Roswell, NM 88202-1838
Telephone: (575)637-6294 Fax: (575) 637.6277



MARCH 14 2017
RE: PUBLIC HEARING NOTICE for ZONING CASE 17-005 VAR
Application for Zoning Variances

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of **Planning & Zoning Case 17-005 VAR**. The Property Owner in this case is requesting **Variances to the Rear Yard, Side Yard, Rear Yard Coverage, and Height Variances to Convert an Existing Accessory Structure into a Primary Residential Structure taking into consideration future additions and/or porches.**

PROPERTY LOCATION: 1806 N KANSAS AVENUE

LEGAL DESCRIPTION: Subd: ALLISON REDIV Block: 2 Lot: 9 Quarter: SW S: 29 T: 10S R: 24E BK: 649 PG: 379 WDJT

OWNERS OF PROPERTY: Julio Mojica and Yanet Mojica

CURRENT ZONING DISTRICT: R-2

The City of Roswell Planning and Zoning Commission will hear public comments on the above case on **TUESDAY, MARCH 28, 2017 at 6:00 p.m.**, in the **Bassett Auditorium at the Roswell Museum and Art Center, located at 100 West 11th Street**. You are entitled, although not obligated, to comment either in writing to our office or in person at the hearing.

To be considered, written protests must be submitted to the Planning and Zoning Office no later than noon on the working day prior to the Planning and Zoning Commission meeting. Providing written input to the Planning and Zoning Office at least ten days prior to the hearing will allow your concerns to be addressed in the Staff Report. Written comments may be delivered to the Planning & Zoning Office at 415 North Richardson Avenue, or mailed to: *City of Roswell, Zoning Administrator, PO BOX 1838, Roswell, NM 88202-1838*, or via email to m.hildreth@roswell-nm.gov.

The information packet for this zoning case will be available after 1:00 p.m., on **Wednesday, March 22, 2017**. You may inspect the information packet in detail at the Planning & Zoning Office located on the first floor of City Hall Annex at 415 North Richardson Avenue. The P&Z Packet may be viewed online at www.roswell-nm.gov. Copies of the information packet may be obtained from the Planning and Zoning Office at a cost of 35 cents per sheet.

The City's Zoning Ordinance is available online at: <http://roswell-nm.gov/DocumentCenter/View/768>

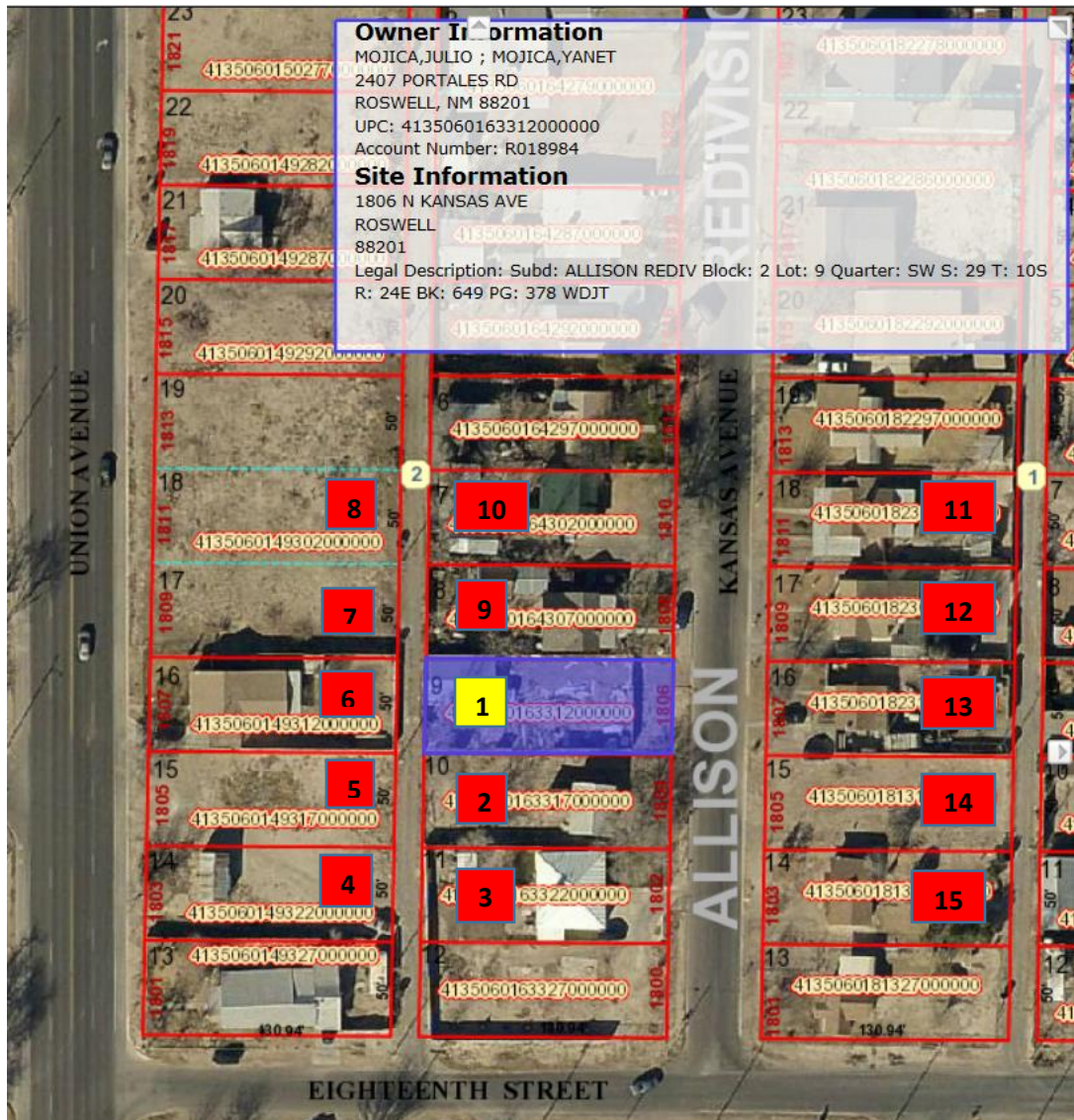
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Respectfully,

Merideth Hildreth, M.A., AICP
Current Planning Administrator

(Area Map on Reverse Side ➡)

**EXHIBIT D: CASE 17-005 (VAR) CHAVES COUNTY ASESSOR'S MAP IDENTIFYING PROPERTY UNDER CONSIDERATION
FOR VARIANCE AND PROPERTIES WITHIN NOTIFICATION AREA**



PROPERTY UNDER CONSIDERATION



PROPERTIES WITHIN NOTIFICATION AREA

EXHIBIT E: 17-005 VAR LIST OF PROPERTY OWNERS NOTIFIED

1. MOJICA, JULIO & YANET
2407 PORTALES RD
ROSWELL, NM 88201
2. MENDOZA, LEONEL & SOCORRO
408 S MAIN ST
ROSWELL, NM 88201
3. FERNANDEZ, MANUEL DELGADO;
JACINTA VIDALES DE
1802 N KANSAS
ROSWELL, NM 88201
4. & 5. LUCERO, GLISERIO
312 S MAIN ST
ROSWELL, NM 88203
6. LOPEZ, JESUS; VILLA, PATRICIA
1807 N UNION AVE
ROSWELL, NM 88201
7. & 8. BMR PROPERTIES LLC
3901 CAPARRAL ROAD
ROSWELL, NM 88201
9. MADRID, MOISES H & ROSALINDA
1808 N KANSAS AVE
ROSWELL, NM 88201
10. VERCIGLIO, TODD M & MELISSA L
1810 N KANSAS AVE
ROSWELL, NM 88201
11. LOTT, BENNIE L
PO BOX 543
HAGERMAN, NM 88232
12. GOMEZ, SIGIFREDO
1809 N KANSAS AVE
ROSWELL, NM 88201
13. SANCHEZ, BONNIE B
1807 N KANSAS AVE
ROSWELL, NM 88201
14. BATTE, WILLIAM T
1600 W SUMMIT ST APT N3
ROSWELL, NM 88201
15. ROMERO, SUSANA; ROMERO,
ALEJANDRA
1803 N KANSAS AVE
ROSWELL, NM 88201

City of Roswell Application for Change of Zoning District

P & Z CASE NO.

17-006 ZOC

DATE:

3.28.2017

Located in

Historic District:

☒ Yes ☐ No

Flood Zone:

☒ X

Type or Print in BLACK or BLUE ink only:

1. _____
Property Owner's Name

Address _____

City/State/Zip _____

Phone # _____

2. _____
Property Owner's Name

Address _____

City/State/Zip _____

Phone # _____

City of Roswell Planning & Zoning Office
Applicant's NameAddress 415 N. Richardson AveCity/State/Zip Roswell, NM 88201Phone # 575 637-6294

Current Zoning District:

R-3

Proposed Zoning District:

C-4

Legal Description of Proposed Zone Change Area: (Lot/Block/Subdivision, Tract, Section-Township/Range)

Subd: WEST SIDE Block: 18 Lots 8 AND: - Lot: 9 & Lot: 10
& Lot: 11 & 8:101, 105 and 107 N. Missouri Avenue

Reason for the Request: (Please attach extra sheet if necessary)

To rezone R-3 lots on east side of street
to make C-4 zoning compatible with uses and zoning
on west side of street.

Proposed Zone Change Area:

(1 acre = 43,560 square foot)

Sq. Ft. 32,000Acres .73

COMPREHENSIVE MASTER PLAN GENERAL DEVELOPMENT PLAN

☒ Residential ☐ Commercial ☐ Industrial ☐ Public ☐ Park & Open Space
☐ RS Overflight Area

DENSITY RESIDENTIAL:

☐ Low/ approx. 5 du/net acre ☒ Mid/ approx. 9 du/net acre ☐ High/ approx. 15 du/net acre

Quadrant of the

City:

NW NE

SW SE

SHADED AREA

FOR STAFF

ONLY

Specifications listed on Instructional Sheet. All documentation and fees
required at time application is submitted unless otherwise noted by Planning
and Zoning Staff. **Application Fees are NON-REFUNDABLE.**

By signing this document, I acknowledge that I have been informed of the dates, times, and locations of the meetings
for the Planning and Zoning Commission and City Council and that I and/or my agent shall attend the meetings in
order to fulfill the requirements of this application.

1. Property Owner's Signature

Willie Morris
Applicant Agent's Signature

2. Property Owner's Signature

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EXHIBIT B: STAFF SUMMARY FOR CASE 17-006 (ZOC)
101 105 107 North Missouri Avenue
(Page 1 of 4)

Roswell Planning & Zoning Commission
Tuesday, March 28, 2017
Bassett Auditorium, Roswell Museum and Art Center
100 West 11th Street

APPLICATION: CASE 17-006 (ZOC): A Request for Zone Change from R-3 to C-4

Legal Description: Subd: WEST SIDE Block 18: Lots 8 AND: -Lot: 9 Lot: 10 Lot: 11
S: 5 T: 11S R: 24E

Owner: Montgomery - Lots 8 and 9
Myall & Beverage - Lot 10
Taylor Investments – Lot 11

Applicant: Planning & Zoning Office, City of Roswell, New Mexico

PROPERTY LOCATION: **Four lots on the east side of the 100 Block of
North Missouri Avenue between West First
Street and West Second Street**

Request: Request for a change in zoning from R-3 (Residential
District) to C-4 (Commercial Business District)

II. Site Data:

Site Area: Each lot is approximately 50'X160' or 8,000 square feet.
Four lots combined equals approximately 32,000 square
feet.

UPC: 4135062343030000000 (Lots 8 and 9)
4135062343023000000 (Lot 10)
4135062343018000000 (Lot 11)

Existing Land Use: House on Lot 8 and 9 that was used for professional office, single
family dwelling on Lot 10, parking lot on Lot 11.

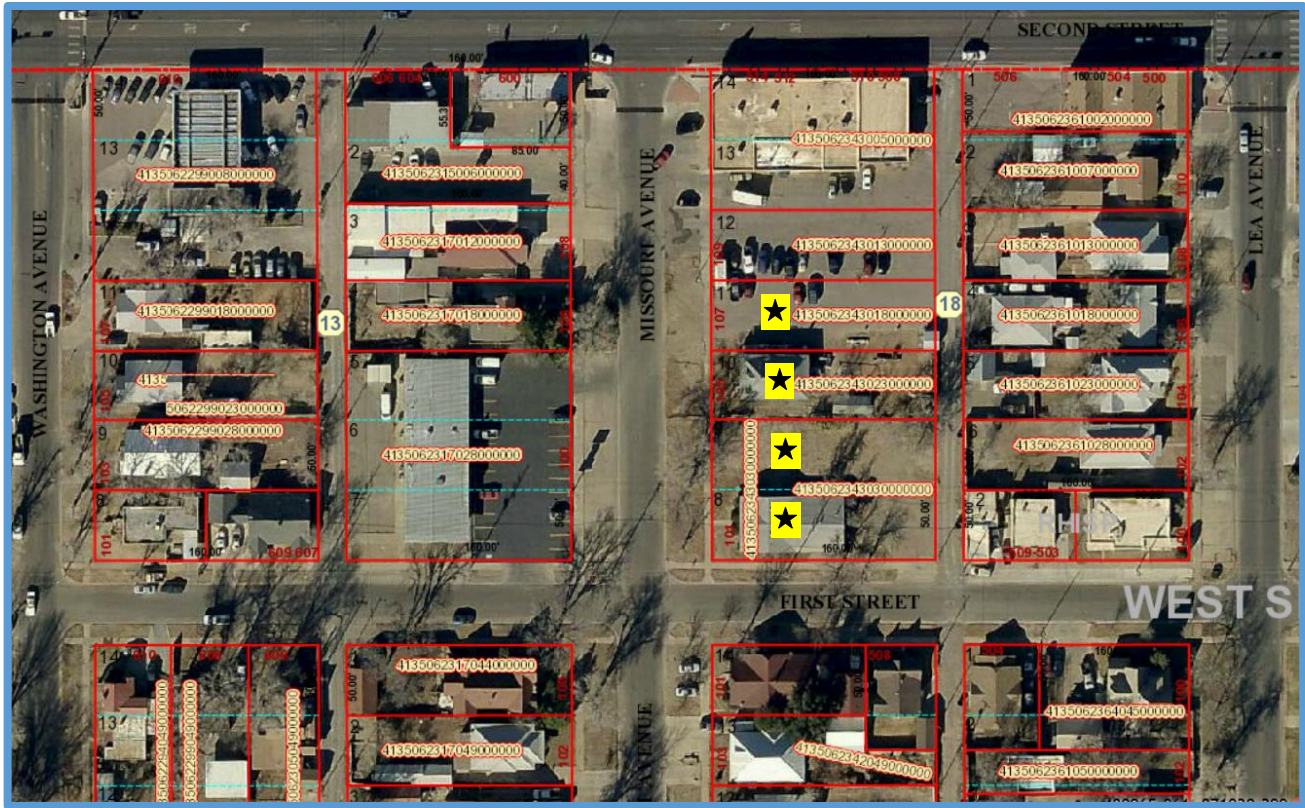
Proposed Land Use: Commercial and Lot 10 remaining a single family dwelling.

Existing Zoning: R-3

Table 1: Adjacent Existing Land Use and Zoning		
Direction:	Land Use:	Zoning:
North	Commercial Parking Lot and Commercial Building	C-4
South	Residential Dwellings	R-3
East	Professional Offices and Residential Dwellings	R-3
West	Shopping Center, Commercial, and a SF Dwelling	C-4

EXHIBIT B: STAFF SUMMARY FOR CASE 17-006 (ZOC)

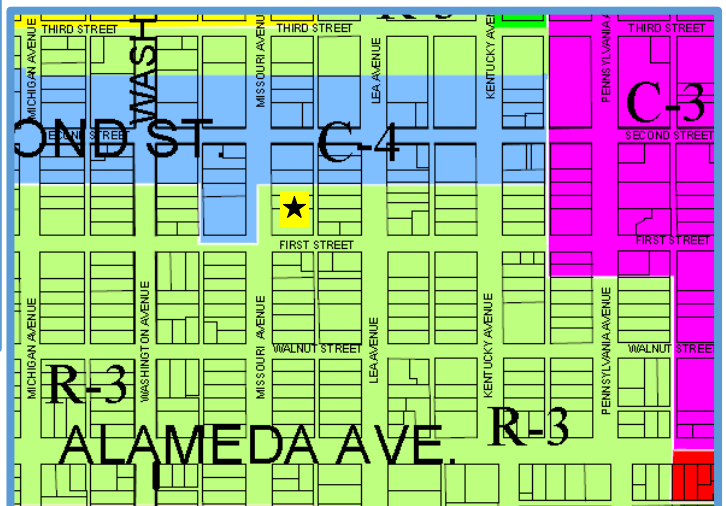
★ 101 103 105 N Missouri Avenue
(Page 2 of 4)



Chaves County Assessor's Map – CASE 17-006 (ZOC)



GOOGLE EARTH PRO
100 Block of N Missouri Ave
↑Aerial View (Image Date 10.4.2014)
↓Street View (Image Date 3/2013)



Zoning Map –17-006 (ZOC)



EXHIBIT B: STAFF SUMMARY FOR CASE 17-006 (ZOC)
101 103 105 N Missouri Avenue
(Page 3 of 4)

III. Intent of Petition:

City of Roswell Planning and Zoning Staff is requesting a zone change from R-3 to C-4 to create zoning conformity on both sides of the North Missouri Avenue between First Street and Second Street. Lots under consideration for a zone change are currently or in the past may have been used for professional office or commercial purposes.

IV. Land Use and Zoning Considerations:

1. Three of the four lots under consideration are located directly across from First and Missouri Plaza, a small shopping center. The northernmost lot is currently being used as a parking lot for the commercial activity located on the southeast corner of Missouri Avenue and Second Street.
2. The City of Roswell 2016 Comprehensive Master Plan map of the Preferred Land Use Scenario shows these lots designated for high density residential and appears to follow the pattern established by the Zoning Map. Rezoning to C-4 would make development on both sides of the street compatible. Since C-4 zoning and uses exist on the west side of the street, a commercial development pattern has been established for the entire block from Second Street to First Street. It would be reasonable to rezone the remainder of the block to C-4.

V. Findings of Fact (Conclusions of Law):

1. A notice of the time and place of the public hearing for this case was published in the Roswell Daily Record at least fifteen (15) days prior to the date of this hearing.
2. Notification of the public hearing was mailed via certified mail with return receipt requested to property owners of record, as shown by the Chaves County Assessor, with lots or land within one-hundred (100) feet of the area under consideration, excluding public rights-of-way.
3. This agenda which includes this case has been posted at City Hall and on the City of Roswell's website for over seventy-two (72) hours as required by State of New Mexico law for a public hearing.
4. The rezoning request is compatible with surrounding land uses and existing land uses in the 100 Block of North Missouri Avenue.
5. As of the time of this writing, there have been zero (0) written and zero (0) verbal protests received by the Planning & Zoning Office.

EXHIBIT B: STAFF SUMMARY FOR CASE 17-006 (ZOC)
101 103 105 N Missouri Avenue
(Page 4 of 4)

VI. Staff Recommendation:

Based on the findings of fact, the nature of the proposed land use consideration, the surrounding land uses and zoning districts, and the regulations established in the Zoning Ordinance, Staff recommends approval of Zoning Case 17-006 to change the zoning of Lots 8, 9, 10, and 11 of Block 18 in WEST SIDE Subdivision from R-3 Residential District and to C-4 Commercial Office District.

VII. Action by the Planning & Zoning Commission:

The Planning and Zoning Commission shall make a motion to approve or deny this application based on these Findings of Fact and testimony and material introduced at the hearing.

EXHIBIT C: LETTER NOTIFYING SURROUNDING PROPERTY OWNERS FOR CASE 17-006 (ZOC)
LETTER SENT VIA CERTIFIED MAIL ON MARCH 14, 2017 TO SURROUNDING PROPERTY OWNERS

City of Roswell
Planning & Engineering Department
Planning & Zoning Office
PO Box 1838
Roswell, NM 88202-1838
Telephone: (575)637-6294 Fax: (575) 637.6277



MARCH 15, 2017
RE: PUBLIC HEARING NOTICE for ZONING CASE 17-006 ZOC
Application for Change in Zoning

You have received this notice via certified mail because Chaves County Assessor information indicates you are a property owner of record within 100 feet of **Planning & Zoning Case 17-006 ZOC**. The City of Roswell, the Applicant in this case, is requesting a rezoning of the following properties on the east side of the 100 block of North Missouri Avenue between First Street and Second Street to be rezoned from R-3 (Residential District) to C-4 (Commercial Business District). The northernmost lots on the east side of this block and all the lots on the west side of this block are already zoned C-4.

PROPERTY LOCATION: 101, 105, and 107 N MISSOURI AVENUE

LEGAL DESCRIPTION: Subd: WEST SIDE Block: 18 Lot: 8 AND Lot: 9 (BK: 69 PG: 524); Lot 10 (BK: 531 PG: 1266 AOC); Lot 11 (BK: 145 PG: 151) S: 5 T: 11S R: 24E

PROPERTY OWNERS: Montgomery - Lots 8 & 9; Beverage & Myall - Lot 10; Taylor Investments – Lot 11

APPLICANT: City of Roswell

CURRENT ZONING DISTRICT: R-3

The City of Roswell Planning and Zoning Commission will hear public comments on the above case on **TUESDAY, MARCH 28, 2017 at 6:00 p.m.**, in the **Bassett Auditorium at the Roswell Museum and Art Center, located at 100 West 11th Street**. You are entitled, although not obligated, to comment either in writing to our office or in person at the hearing.


To be considered, written protests must be submitted to the Planning and Zoning Office no later than noon on the working day prior to the Planning and Zoning Commission meeting. Providing written input to the Planning and Zoning Office at least ten days prior to the hearing will allow your concerns to be addressed in the Staff Report. Written comments may be delivered to the Planning & Zoning Office at 415 North Richardson Avenue, or mailed to: *City of Roswell, Zoning Administrator, PO BOX 1838, Roswell, NM 88202-1838, or via email to m.hildreth@roswell-nm.gov.*

The information packet for this zoning case will be available after 1:00 p.m., on **Wednesday, March 22, 2017**. You may inspect the information packet in detail at the Planning & Zoning Office located on the first floor of City Hall Annex at 415 North Richardson Avenue. The P&Z Packet may be viewed online at www.roswell-nm.gov. Copies of the information packet may be obtained from the Planning and Zoning Office at a cost of 35 cents per sheet.

The City's Zoning Ordinance is available online at: <http://roswell-nm.gov/DocumentCenter/View/768>

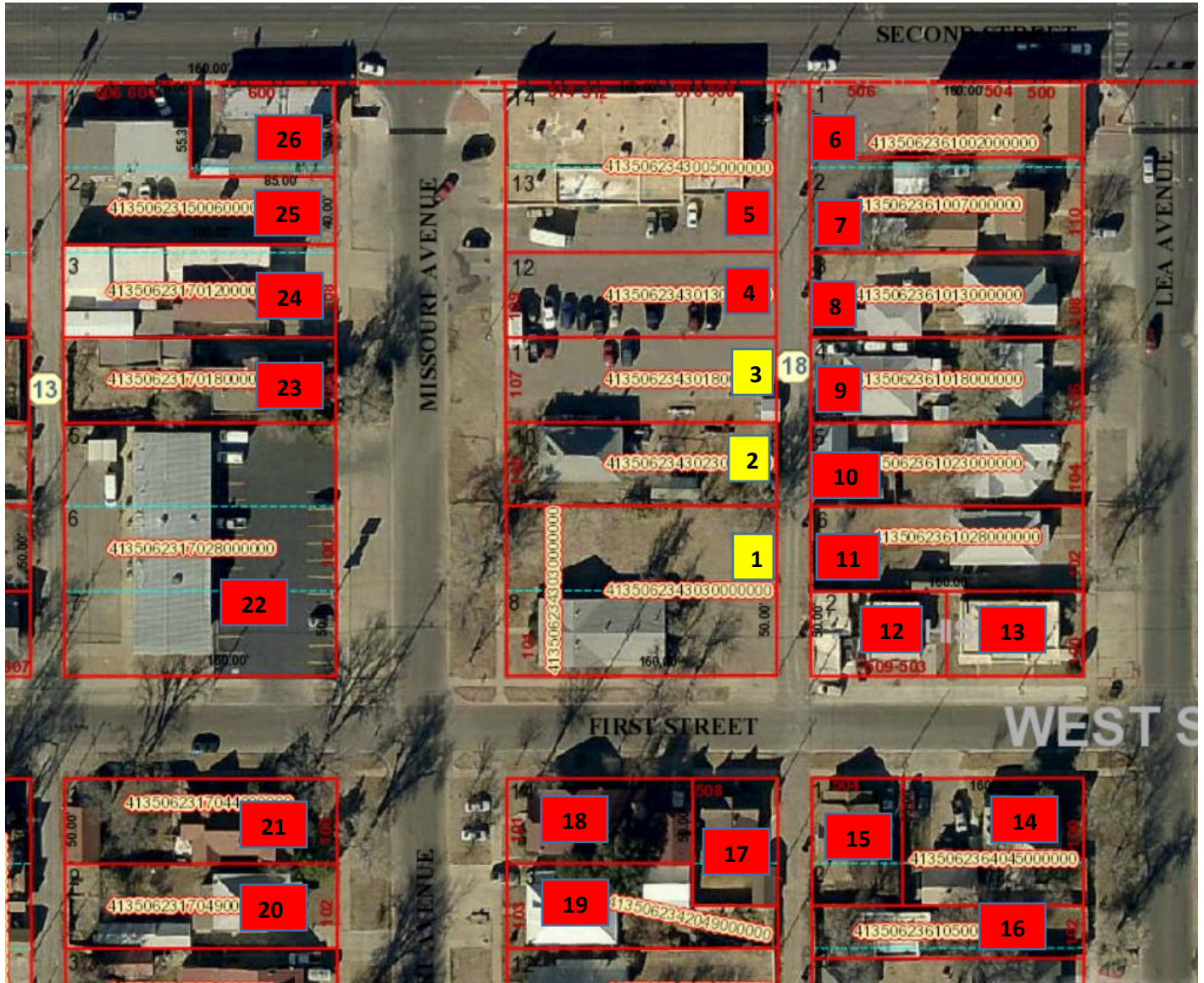
If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact Human Resources at 575-624-6700 at least one week prior to the meeting or as soon as possible. Public documents including the agenda and minutes can be provided in various accessible formats. Please contact the City Clerk at 575-624-6700 if a summary or other type of accessible format is needed.

Respectfully,


Merideth Hildreth, M.A., AICP
Current Planning Administrator

(Area Map on Reverse Side ➔)

EXHIBIT D: CASE 17-006 (ZOC) – CHAVES COUNTY ASSESSOR’S MAP IDENTIFYING PROPERTY UNDER CONSIDERATION FOR ZONE CHANGE AND PROPERTIES WITHIN NOTIFICATION AREA.



PROPERTIES UNDER CONSIDERATION 

PROPERTIES WITHIN NOTIFICATION AREA 

EXHIBIT E: 17-006 ZOC LIST OF PROPERTY OWNERS NOTIFIED

- | | |
|---|--|
| 1. MONTGOMERY, STEPHEN W
500 REVA RIDGE RD
TWIN LAKES, CO 81251 | 16. WOOD, SUSAN K
101 N LEA AVE
ROSWELL, NM 88201 |
| 2. BEVERAGE, PAULA A; MYALL, CHRISTINE
105 N MISSOURI AVE
ROSWELL, NM 88203 | 17. CARSON, RONALD J & SHEILA ANN
604 N WYOMING AVE
ROSWELL, NM 88201 |
| 3. 4. & 5. TAYLOR INVESTMENTS INC.
PO BOX 2308
ROSWELL, NM 88202 | 18. A&M RENTALS, LLC
PO BOX 4283
ROSWELL, NM 88202 |
| 6. SALAYANDIA, SALVADOR & GLORIA I
122 E 2 ND ST
ROSWELL, NM 88203 | 19. BURNS, JASON C
103 S MISSOURI AVE
ROSWELL, NM 88203 |
| 7. SCHRIMSHER, KEITH L & MICKIE SUE
PO BOX 802
ROSWELL, NM 88202 | 20. DEEN, JEREMY D & JACQUELINE M
102 S MISSOURI AVE
ROSWELL, NM 88203 |
| 8. COLLINS, HELENA M
PO BOX 636
ROSWELL, NM 88202 | 21. MCKNIGHT, LEONA G
100 S MISSOURI AVE
ROSWELL, NM 88203 |
| 9. BOEHMS, CLIFFORD
PO BOX 4023
ROSWELL, NM 88202 | 22. JOHNSON ENTERPRISES, LTD
PO BOX 1713
ROSWELL, NM 88202 |
| 10. NAVARRETTE RIC ANAYA & SANDRA D
104 N LEA AVE
ROSWELL, NM 88203 | 23. RYBERG, KELLY
1124 E 3 RD ST
PORTALES, NM 88130 |
| 11. LUCERO, EVERISTO J & TERRY L
20 PIERRE RD
DEXTER, NM 88230 | 24. WYGOCKI, MARY M
PO BOX 2940
ROSWELL, NM 88202 |
| 12. & 13. RURAL HOUSING INC
5101 COPPER NE
ALBUQUERQUE, NM 87108 | 25. & 26. GRAVES, LYNN
PO BOX 986
ROSWELL, NM 88202 |
| 14. & 15. GROGAN, JOHNNIE B
100 S LEA AVE
ROSWELL, NM 88203 | |

ROSWELL, NEW MEXICO
Planning & Zoning Commission
March 28, 2017, 6:00 p.m.
Roswell Museum and Art Center
199 W. 11th – Roswell, NM 88201

ACTION REQUESTED:	Discussion and possible recommendation of approval of Proposed Text Amendment for Multi-Generational Housing.
BACKGROUND:	Staff is proposing size standards for Multi-Generational Housing in Residential Districts.
FINANCIAL CONSIDERATION:	There are no additional costs associated with this request.
LEGAL REVIEW:	N/A.
BOARD OR COMMITTEE ACTION:	N/A.
STAFF RECOMMENDATION:	Discussion and possible recommendation of approval.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
PAGE 1 OF 2**

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY OF ROSWELL ESTABLISHING THE CRITERIA FOR THE POSTING OF PROPERTY, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The City of Roswell, New Mexico has regulations concerning unauthorized access onto private property; and,

WHEREAS, the City of Roswell City Council has determined that clearly stating the criteria for the proper posting of properties is necessary.

NOW THEREFORE, be it ordained by the governing body of City of Roswell, State of New Mexico:

Section 1. Modifications

A. Add New Text Article 4 (Definitions), Section 2:

Multi-Generational Housing. An accessory residential unit that is allowed in Residential zones which is no greater than 400 square feet in size and meets the requirements of the International Residential Code and all other requirements of the Zoning Code. For the purpose of this definition, "multigenerational" means any number of persons related by blood, common ancestry, marriage, guardianship or adoption.

B. Add New Text Article 6 (R-S Rural Suburban District), Section 2 (Special Uses)

17. Multi-Generational Housing, subject to administrative renewal every five (5) years demonstrating compliance with the definition of "Multi-Generational Housing".

C. Add New Text Article 7 (R-1 Residential District), Section 2 (Special Uses)

9. Multi-Generational Housing, subject to administrative renewal every five (5) years demonstrating compliance with the definition of "Multi-Generational Housing".

D. Delete Existing Article 5 (Establishment of Zoning Districts), Section 4 (Conditional Use Permit – Multigenerational)

Pursuant to NMSA Section 3-21-1 (F), a property owner may apply for a

~~Conditional Use Permit for a second kitchen within a single-family residential home located within a residential zoned district.~~

~~No Conditional Use Permit shall be approved until a public hearing has been held by the Planning and Zoning Commission in accordance with this Ordinance.~~

~~Conditional Use Permits are not transferable and are bound to the applicant at the residential lot stated on the application.~~

Section 2. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. EFFECTIVE DATE.

This ordinance shall be effective after five (5) days following its publication as required by State law.

PASSED, ADOPTED, SIGNED and APPROVED the 13th day of April, 2017.

CITY SEAL

ATTEST:

Dennis Kintigh, Mayor

Sharon Coll, City Clerk

ROSWELL, NEW MEXICO
Planning & Zoning Commission
March 28, 2017 6:00 p.m.
Roswell Museum and Art Center
199 W. 11th – Roswell, NM 88201

ACTION REQUESTED:	Discussion and possible recommendation of approval of Proposed Text Amendment for enhanced lighting standards.
BACKGROUND:	Installation of certain types of LED lighting has caused additional impacts to surrounding properties and possibly to health. This text amendment provides standards to minimize impacts.
FINANCIAL CONSIDERATION:	There are no additional costs associated with this request.
LEGAL REVIEW:	N/A.
BOARD OR COMMITTEE ACTION:	N/A.
STAFF RECOMMENDATION:	Discussion and possible recommendation of approval.

**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
PAGE 1 OF 2**

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY OF ROSWELL REVISING ARTICLE 23, SECTION 10 (LIGHTING), AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, The City of Roswell, New Mexico has regulations concerning unauthorized access onto private property; and,

WHEREAS, the City of Roswell City Council has determined that clearly stating the criteria for the proper posting of properties is necessary.

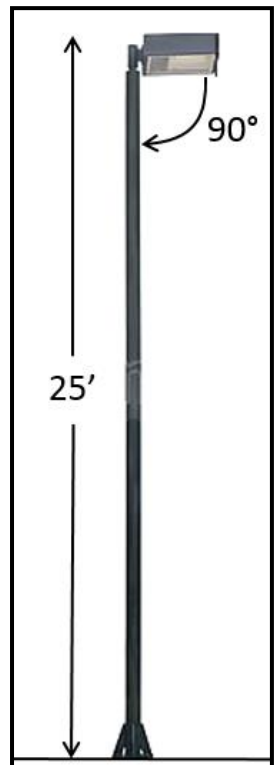
NOW THEREFORE, be it ordained by the governing body of City of Roswell, State of New Mexico:

Section 1. Modifications

ARTICLE 23: BUILDING AND PERFORMANCE STANDARDS

Section 10. Lighting

- A. All lighting, glare, and/or general illumination shall not be cast upon any other properties ~~that are adjacent to the site~~ from which the lighting, glare, and/or general illumination originates.
- B. No lighting, glare, and/or general illumination which flashes, revolves, or otherwise resembles a traffic control signal or in any way creates a hazard for passing traffic shall be permitted.
- C. All exterior lighting shall conform to the New Mexico Night Skies Act.
- D. All signage and street graphics may be backlit or down-lit, but shall not be up-lit.
- E. LED lighting: Specific criteria for LED lighting shall be as follows (See Figure 10-1):
 - 1. All light poles shall not exceed twenty-five (25) feet in height with the exception of street lighting in public rights-of-way (ROW) as approved by the City Engineer.
 - 2. Lighting shall not exceed 4,000K CCT (Correlated Color Temperature).
 - 3. Light units shall be adjusted to ninety (90) degrees from the light pole and oriented perpendicularly to the ground.



**PROPOSED ZONING ORDINANCE TEXT AMENDMENT
PAGE 2 OF 2**

- 4. Light units shall be shielded to prevent light spilling onto or in the direction of residential areas.**

Figure 10-1

Section 2. SEVERABILITY.

If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of that section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. EFFECTIVE DATE.

This ordinance shall be effective after five (5) days following its publication as required by State law.

PASSED, ADOPTED, SIGNED and APPROVED the 13th day of April, 2017.

CITY SEAL

Dennis Kintigh, Mayor

ATTEST:

Sharon Coll, City Clerk